



## **Federal Aviation Administration Southern Region**

DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
ATLANTA, GEORGIA

INFORMATION REGARDING CIVIL PENALTIES  
UNDER TITLE 49 U.S.C. SECTION 46301  
(ATTACHMENT TO NOTICE OF PROPOSED CIVIL PENALTY)

Under 49 U.S.C. §46301, any person who violates pertinent provisions of 49 U.S.C. §§40101 et seq., or any rule, regulation, or order issued thereunder, is subject to a civil penalty for each violation. The maximum assessment for each violation is also prescribed by law, as specified in the Notice of Proposed Civil Penalty to which this is attached. The Notice also states the amount of the proposed civil penalty for the alleged violation(s).

This proceeding is governed by the Federal Aviation Regulations (FAR) set forth in 14 C.F.R. §13.16 and 14 C.F.R. Part 13, Subpart G. Copies of these regulations are attached. WITHIN THIRTY (30) DAYS AFTER YOUR RECEIPT OF THE ENCLOSED NOTICE, you may elect to proceed in one or more of the following ways by appropriately marking the corresponding box(es) on the attached election sheet and returning it by mail or personal delivery to the address provided below.

1. Submit the amount of the civil penalty specified in the Notice by certified check or money order payable to the "Federal Aviation Administration." Your submission constitutes your agreement that an Order Assessing Civil Penalty in that amount may be issued without further notice, and that you waive your right to a hearing in this matter.

2. Submit, in writing, information and evidence demonstrating that a violation of the regulations was not committed or that, if it were, the facts and circumstances do not warrant the proposed civil penalty. Information provided will be considered in determining whether a civil penalty should be imposed and the amount of any such civil penalty. This information may be submitted in conjunction with a request for informal conference under paragraph 5. Choosing this option will not affect your right to a hearing.

3. Submit, in writing, information and records indicating that you are financially unable to pay the proposed civil penalty, or showing that payment of the proposed penalty would prevent you from continuing in business. This will not affect your right to a hearing.

4. Request that a civil penalty be assessed in a specific amount other than that proposed in the Notice, or that no civil penalty be assessed. If you choose this option, you should explain why a reduction or no civil penalty is appropriate, and provide

any supporting documentation. Information provided will be considered in determining whether the amount you specified should be assessed.

If the FAA does not accept your offer, this will not affect your right to a hearing. If the FAA accepts your offer, your request constitutes your agreement that an Order Assessing Civil Penalty in that amount may be issued without further notice, and that you waive your right to a hearing.

5. Request to discuss the matter informally with an FAA attorney either telephonically or in person at any Regional Office of the FAA (see attachment for addresses of Regional Offices), or at the Flight Standards District Office (FSDO) in Atlanta, Georgia. If you request a telephonic informal conference, an FAA attorney will call you at the telephone designation of your choice at any place within the United States. This will not affect your right to a hearing.

IMPORTANT - The informal conference is intended to provide you with an opportunity to present your reasons why the FAA should not proceed with the action as proposed. It also is intended to provide you with an opportunity to present any supporting documentation or information you wish the FAA to consider before the agency decides whether to proceed with the proposed action. NOTE: Ordinarily, air carrier informal conferences must be held in the region which issued the Notice.

6. Request that the FAA assess a civil penalty without making findings of violations, and submit the reasons and any additional information in writing (with appropriate supporting documentation) to support your request. If the FAA does not accept your offer, your right to a hearing will not be affected. If the FAA accepts your offer, your request will constitute your agreement that a Compromise Order in that amount may be issued and that you waive your right to a hearing.

7. Request to have a hearing in accordance with Section 13.16 of the Federal Aviation Regulations. Your request must be dated and signed. A Complaint will be filed and a formal evidentiary hearing of the matter will be held by an administrative law judge, under FAR Part 13, Subpart G. At the conclusion of the hearing all issues of fact and law will be decided and a decision rendered whether and in what amount a civil penalty will be assessed. An appeal from the judge's decision to the FAA decisionmaker is available and from there to the U.S. Court of Appeals.

Your request for a hearing must be made to the Hearing Docket, Federal Aviation Administration, 800 Independence Ave., SW, Room 924A, Washington, DC 20591, Attention: Hearing Docket Clerk. You must mail a copy to the FAA attorney handling this case at the address indicated below.

Please address all correspondence in this matter to the FAA attorney who signed the Notice at the following address:

[Attorney's Name]  
Office of the Regional Counsel  
Federal Aviation Administration  
Southern Region

P. O. Box 20636  
Atlanta, GA 30320

Your response may be delivered personally to the Office of the Regional Counsel for the Southern Region at 1701 Columbia Ave., College Park, Georgia, during normal business hours.

Telephone: (404) 305-5200 (Collect calls cannot be accepted).

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If you are an individual:

PRIVACY ACT NOTICE

This notice is provided in accordance with Section (e)(3) of the Privacy Act, 5 U.S.C. Section 552a(e)(3), and concerns the information requested in the letter or form to which this Notice is attached.

A. Authority. This information is solicited pursuant to the Federal Aviation Act of 1958, 49 U.S.C. §§40101, et seq., and regulations issued thereunder, codified in Part 13 of Title 14 of the Code of Federal Regulations. Submission of the telephone number is voluntary. The request for information is intended to provide you with an opportunity to participate in the investigation.

B. Principal Purpose. The requested information is intended to assist us in contacting you regarding this enforcement case.

C. Routine Uses. Records from this system of records may be disclosed in accordance with the routine uses as set forth in System of Records No. DOT/FAA 847, as published from time to time in the Federal Register.

D. Effect of Failure to Respond. If you do not provide the requested information, there may be a delay in contacting you regarding this enforcement case, and you may forfeit your right to a hearing on the merits of this case.

DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
ATLANTA, GEORGIA

RETURN WITHIN 30 DAYS TO:

Office of the Regional Counsel DATE \_\_\_\_\_  
Federal Aviation Administration  
Southern Region  
P. O. Box 20636  
Atlanta, GA 30320

Telephone: (404) 305-5200  
Facsimile: (404) 305-5223

Subject: Notice of Proposed Civil Penalty, Case No.

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7. [ ] I hereby request a hearing in accordance with Part 13, Subpart G of the Federal Aviation Regulations with the understanding that a Complaint will be filed. I request that the hearing be held in . I am sending this request both to the FAA attorney and to the Hearing Docket, Federal Aviation Administration, 800 Independence Ave., SW, Room 924A, Washington, DC 20591, Attention: Hearing Docket Clerk.

Respondent:

Signature:

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Name:

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Address:

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Telephone:

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Attorney/representative:

Name:

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Address:

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Telephone:

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#### ADDRESSES OF THE REGIONAL OFFICES

ALASKA

Alaskan Region Headquarters  
222 West 7th Avenue, #14  
Anchorage, AK 99513

CALIFORNIA

Western-Pacific Region Headquarters  
15000 Aviation Boulevard  
Hawthorne, CA 90261

GEORGIA	Southern Region Headquarters 1701 Columbia Avenue College Park, GA 30337
ILLINOIS	Great Lakes Region Headquarters O'Hare Lake Office Center 2300 East Devon Avenue, Room 419 Des Plaines, IL 60018
MASSACHUSETTS	New England Region Headquarters 12 New England Executive Park Burlington, MA 01803
MISSOURI	Central Region Headquarters 601 East 12th Street, Room 1558 Federal Building Kansas City, MO 64106
NEW YORK	Eastern Region Headquarters JFK International Airport Fitzgerald Federal Building Jamaica, NY 11430
OKLAHOMA	Mike Monroney Aeronautical Center 6500 South MacArthur Oklahoma City, OK 73169
TEXAS	Southwest Region Headquarters 2601 Meacham Boulevard - 6E Fort Worth, TX 76193-0007
WASHINGTON	Northwest Mountain Region Headquarters 1601 Lind Avenue, SW Renton, WA 98055-4056